IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1655 (S/S) of 2005

Govind Ram, son of Sri Umeda Tamta,
Village and post – Nauri patti Dhaijuly,
District – Pauri Garhwal. ……. Petitioner.

Versus.

1. State of Uttaranchal, through Secretary, Revenue Department, Dehradun.
2. Director Magistrate, Pauri Garhwal.
3. Sub Divisional Magistrate, Kotdwar, District – Pauri Garhwal.
4. Teshildar, Kotdwar, District – Pauri Garhwal.

…….. Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioner and learned standing counsel for State of Uttaranchal for respondents.

Learned counsel for the petitioner has prayed that he does not want to press the first relief of his prayer and the same may be deleted.

Permission granted.

The submission of the petitioner is that vide order dated 30.06.2005 the Sub Divisional Magistrate, Kotdwar, suspended the petitioner, who was working as Lekhpal, in view of the suspension order dated 17.11.2002 passed by the then Sub Divisional Magistrate, Kotdwar. However, the said order dated 17.11.2002 was never communicated to the petitioner till date.

Learned counsel for the petitioner has submitted that no chargesheet has been served upon the petitioner till today

and respondents are neither paying salary nor subsistence allowance.

From the perusal of order dated 30.06.2005 passed by SDM, Kotdwar it appears that departmental proceedings were initiated against the petitioner and the same are pending. Petitioner was suspended from the post of Lekhpal and the suspension order was passed about three years back. It is not clear whether any Inquiry Officer was appointed by SDM, Kotdwar or not?

In view of the above, Sub Divisional Magistrate, Kotdwar, District – Pauri Garhwal shall ensure that departmental inquiry is concluded within a period of four months from the date of production of certified copy of this order before him. In the meantime, till the final decision is taken by the Disciplinary Authority, petitioner shall be paid subsistence allowance.

Writ this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 10, 2005
SKSharma